

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Bay Mortgage Services, Inc. )  
and Peter J. Lucido, )  
Plaintiffs )

v. )

USBancorp, )  
Defendant )

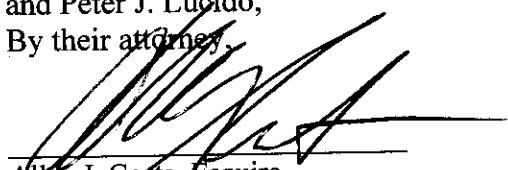
CIVIL CASE NO. 04-CV-12201 DPW

STIPULATION OF DISMISSAL

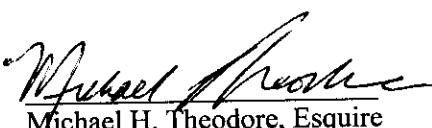
NOW COME the parties in the above captioned matter and hereby stipulate that all claims and counterclaims in said action be dismissed with prejudice and without costs to either party.

Respectfully Submitted,

THE PLAINTIFFS,  
Bay Mortgage Services, Inc.  
and Peter J. Lucido,  
By their attorney,

  
Allan J. Costa, Esquire  
BBO #544015  
Triffletti & Costa, P.C.  
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(508) 746-1464

THE DEFENDANT,  
USBancorp  
By Its Attorney,

  
Michael H. Theodore, Esquire  
BBO #565098  
Cohn & Dussi, LLC  
25 Burlington Mall Road, 6<sup>th</sup> Floor  
Burlington, MA 01803-4158  
(781) 494-0200

Dated: December 31, 2004